

**UTAH STATE FIRE PREVENTION BOARD
SEPTEMBER 8, 2020 MEETING MINUTES
PENDING APPROVAL**

BOARD MEMBERS PRESENT

David Olsen, Board Chair
Mike Phillips, Vice Chair
Brian Cottam
Chris Dawson
Joseph Decker
Craig Humphreys

Chris Kimball (online)
Derek Maxfield
Frank Park
Patrick Tomasino

BOARD MEMBERS NOT PRESENT

Jared Larson

STAFF PRESENT

Coy Porter, State Fire Marshal (SFM)
Ted Black, Chief Deputy Fire Marshal (CDFM)
Jana DeMille, Board Secretary

OTHERS

Members of the public and the fire service were in attendance at this meeting. The attendance log is kept with the full record of the meeting.

Item #1, Board meeting called to order by Vice Chair Craig Humphreys. The meeting started at 8:30 A.M., at the Utah Fire and Rescue Academy.

Item #2, Approval of the March 10, 2020 board meeting minutes. Motion made by Board Member Frank Park to approve the minutes. Motion seconded by Brian Cottam. Motion carried.

Item #3, Welcome new Board Members. State Fire Marshal Porter recognized new board members: Chief Dawson of South Jordan, representing State Fire Chiefs; Chief Decker of Kanab, representing Counties of 3rd, 4th, 5th or 6th class; Chris Kimball, licensed engineer; and Patrick Tomasino, building inspector.

Item #4, Election of new Chair and Vice Chair.

- Frank Parks nominated David Olsen as Chair, seconded by Mike Phillips. There were no other nominations. Chief Olsen was unanimously voted as Chair.
- Frank Parks nominated Mike Phillips as Vice Chair, seconded by Chris Dawson. Chief Phillips was unanimously voted as Vice Chair.

Meeting was turned over to Chair David Olsen

Item #5, Report to the Board by Chief Scott Spencer, Chair, Utah Fire Service Certification Council. As Chief Spencer was unavailable, report was given by Lori Howes. Last meeting was August 4 and previous to that was January. During that time, the Council has done the

following:

- Approved a policy for certification that allows UFRA to continue testing during a pandemic or other extraordinary event if a fire department has an approved certification tester. This will allow departments to test written and skills. The caveat is that the certification tester cannot have anything to do with the training.
- A request was made to the federal certification office to extend our 30 day policies. It has been extended to 60 days. This will allow the certification office to train 2 new staff members and to respond to all testing requests now that the office is open again. The extension will expire December 31.
- Also the Council is considering a plan proposed by Forestry, Fire and State Lands. They would like to print the red cards at their office instead of the certification office doing so.

Item #6, Report to the Board by Coy Porter, SFM, on interim legislative action.

- SFMO sent letter to all school superintendents giving leeway on school evacuation drills. State law requires an exit drill within the first 10 days of starting school. This was extended up to 30 days for their first drill, as well as some other flexibility to allow for Covid protocols. During the legislative special session, a bill was passed to allow teachers to simply teach what the drill is supposed to be like, but not physically hold an evacuation drill until March 1. The bill states drills are not required, but they can hold a drill should they choose to.
- Representative Harrison from Sandy/Draper is proposing new legislation on fireworks. She would like municipalities to have a greater role in decision making on fireworks discharge. We are waiting to see what is proposed.
 - Chair Olsen asked about the numbers of fires during 2020 fireworks season. SFM Porter reported data is still being gathered. There were a lot of small fires. The big fires we had were either illegal fireworks or fireworks (legal or illegal) in restricted areas.
- There is some question about the ability of municipalities to adopt the appendices, specifically Appendix D. We are working with an architect, Representative Dunnigan, and the homebuilders association to follow-up on this issue.
- Representative Ward would like to introduce a bill that would “soften” the fire and building codes with regards to basement apartments in existing residential structures. The intent is to make this a more affordable option for homeowners. This could help with the housing shortage.

Board Member Cottam reported on some items from Forestry Fire and State Lands:

- This year will likely be the 2nd most expensive fire season in terms of fire suppression cost. The Legislature doesn’t fund wildland fire suppression in advance. There will be a large request this year.
- The number of fires this year has been almost the same as in 2018 (the worst year for

Utah), but this year has over 300 more human-caused fires. We will be looking for increased efforts in fire prevention, education and out-reach. There will also be focus on cost recovery from those who are negligent.

- Will make a recommendation this session for Public Safety retirement for the State's wildland firefighters.

Item #7, Report to the Board by Ted Black, Chief Deputy SFM, on UFRA Memorandum of Understanding. The passage of SB 209 required that a new contract be written from scratch between the Fire Prevention Board and Utah Valley University, which is how UFRA is now funded. Assistant Attorney General Lynda Vitti is working on this. Once draft is complete, a copy will be sent to the Board.

Item #8, Report to the Board by Coy Porter, SFM, concerning schools and the impact of Covid 19.

- When schools started having classes again, our inspectors found a variety of ways teachers are providing "desk shields" to protect against spreading the virus. Some of these are dollar store shower curtains, Plexiglas, pvc with plastic sheeting, foam board, etc.
- SFM & CDFM will meet with all school superintendents on the 14th and present concerns about these efforts. Today at 2, we are meeting with our DPS videographer. We have samples of these shields and will light them on fire to show the potential fire hazard. We want to show what is good and what isn't. We need to make sure they are using proper materials to help keep students safe with flame, smoke, etc.
- Portable classrooms will also be discussed with the superintendents. Most portables are commercially manufactured and have 3rd-party testing that comes in during the construction. Recently, a number of school districts have hired technical colleges to build the portable classrooms, and those portables are not being inspected at all during construction.

Item #9, Consideration of the activities of the Standards and Training Council and the Hazardous Materials Advisory Council in consideration of SB209. Information presented by Chief Deputy Ted Black.

- The passing of Senate Bill 209 removed our ability to have Rule R710-10 and R710-12. R710-10 established the Standards & Training Council and the Certification Council. R710-12 was relevant to hazardous materials and the requirements for training relating to hazardous materials in the State of Utah. After consultation with our attorney, it is our belief we no longer have the authority to publish the R710-10 as a state rule. The bill also significantly limited what the Hazardous Materials Advisory Council can do. HMAC can still "establish ongoing training standards for hazardous materials emergency response agencies." The Board must decide if HMAC remains with their only authority being to recommend to the FPB the training standards for hazardous materials.
- As with the S&T Council, we no longer have the authority to create a Certification Council. The information relevant to the Certification Council has been given to the

attorney to add as part of the Memorandum of Understanding with UFRA. If the Board would like the Certification Council to continue to operate, it must be with the understanding that any official action they want to take must be tabled until the MOU is in place.

- The questions before the Board are:
 1. Do we want the HMAC to determine a standard?
 2. Do we want to express thanks and dissolve both the HMAC and S&T Council?
 3. Do we want to allow the Certification Council to continue to function with the understanding that if they need to take action, that action must be tabled until the MOU is in place?
- Board Member Craig Humphreys expressed concern about oversight on unaffiliated training agencies if there is no S&T Council. Discussion followed. There needs to be some way to keep a statewide standard/consistency in training.
- Motion: Craig Humphreys made motion that the Fire Prevention Board disbands the Standards & Training Council at this time and continues Hazardous Materials Advisory Council for the sole purpose of recommending the training standards for hazardous materials emergency response agencies. Further, to continue the Certification Council with the understanding that the items they vote on will also be approved by this Board, and direct the State Fire Marshal's Office to pursue a way to bring together the various training agencies to train under a unified way.

Motion seconded by Board Member Patrick Tomasino. Motion passed unanimously.

Item #10, Decision by the Board to allow virtual meetings of the Utah State Fire Prevention Board in the future as needed.

- Chair David Olsen read a proposed resolution to hold an electronic meeting on November 10, 2020. SFM Porter advised the Board that under law a resolution will be needed whenever it is necessary to hold a virtual meeting.
- Motion made by Board Member Brian Cottam to pass the resolution for an electronic meeting for the November 10, 2020 meeting of the Fire Prevention Board. Seconded by Board Member Humphreys. Motion Carried and the Resolution was signed.

Item #11, Old Business:

- Board Member Humphreys has been on the committee for HB154, Mental Health Protection for First Responders sponsored by Senator Kwan. Senator Kwan is asking for a grant program.

Item #12, New Business:

- CDFM Black announced Cami Carter as new employee at the SFMO in the HazMat

Section. SFM Porter advised the Board that conditional offers of employment have been made to 3 people. Two will replace investigators Troy Mills, who retired, and Clayton Peterson, who is now the Fire Marshal at Weber State University). The third person will be in LP Gas Section.

- SFM Porter gave information on a bill that was passed regarding communities receiving culinary water from water purveyors outside of their municipality. Currently, a water purveyor can give thirty days' notice and discontinue providing water. This bill will change that. This will require a change to the constitution so it will be on the ballot for the November election. It will be Amendment D to the State Constitution.

Brad Larson, Fire Marshal with Unified Fire Authority, spoke and expressed UFA's concern as they have many residents who would be affected if a purveyor chose to give a thirty day notice and terminate water. FM Larson wants to get the word out so this Amendment passes. SFMO will send out a link with more information on this amendment.

- Brad Wardle, Utah Fire & Rescue Academy, addressed the Board and expressed gratitude for the work done on Senate Bill 209. Much work was done by the Board, State Fire Marshal and Chief Deputy, and Senator Harper and Representative Peterson. Both sides of the legislature supported this. This puts UFRA on a strong financial foundation for the future.

UFRA is committed to having Winter Fire School this year, although details are still being worked out. Winter Fire School is the only training that several firefighters get during the year. UFRA will provide information at the November Board Meeting.

UFRA received a \$329,000 AFG grant for a new command training center.

Chuck Query retired in July. The new assistant director is Chief Mark McElreath and we are excited to have him there.

End of new business.

Board Member Cottam made motion to adjourn the meeting. Seconded by Board Member Humphreys. Meeting adjourned.